



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466
<http://www.epa.gov/region08>

Ref: 8ENF-T

February 6, 2003

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Dr. Jo Anne Y. McFarland, President
Central Wyoming College
2660 Peck Avenue
Riverton, Wyoming

Central Wyoming College Field Station
c/o Susanne Smaglik
50 Field Station Road
Lander, Wyoming 82520

Re: Administrative Order
Docket No. **SDWA-08-2003-0006**
PWS ID #5601366

Dear Dr. McFarland and Ms. Smaglik:

Enclosed you will find an Administrative Order (Order), which the Environmental Protection Agency (EPA) has issued under the authority of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f et seq., and its implementing regulations. Among other things, the Administrative Order finds that Central Wyoming College is a public water supplier as defined by the SDWA and that the College has violated the National Primary Drinking Water Regulations (NPDWRs) at 40 C.F.R. §§ 141.63(a)(2), 141.21(b)(5), 141.201, 141.21(g)(1), and 141.21(g)(2) for: exceeding the maximum contaminant level and failure to monitor for bacteriological quality, failure to provide public notice of SDWA violations, and for failure to report SDWA violations to EPA.

If you comply with the enclosed Order for a period of at least twelve months, EPA may choose to close the Order. Violating the enclosed Order may lead to (1) a penalty of up to \$27,500 per day of violation of the Order, (2) a separate such penalty for violating the regulations themselves, and/or (3) a court injunction ordering you to comply.

Please note that the effective date of the enclosed Order is the date of issuance. Within the next 10 days, please provide EPA with any new information that you believe the Agency is not aware of relating to the alleged violations in the Order. The information should be sent to Kathelene Brainich at the address on the letterhead and include the mailcode 8ENF-T, or call



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(800)227-8917, extension 6481 or (303)312-6481. If you wish to have in informal conference with EPA, you may also call or write Ms. Brainich. If you are represented by an attorney or have legal questions, please call James Stearns at the above number extension 6912 or at (303) 312-6912.

We urge your prompt attention to this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosures
Order
Public Notice Template

cc: Larry Robinson, WY DEQ (w/enclosures)
Dr. Karl Musgrave, WDH (w/enclosures)



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8

IN THE MATTER OF)	
)	
Central Wyoming College)	
Lander, Wyoming)	
)	
Respondent)	
)	ADMINISTRATIVE ORDER
Proceedings under Section 1414(g))	
of the Safe Drinking Water Act,)	
42 U.S.C. § 300g-3(g))	Docket No. SDWA-08-2003-0006
)	

The following Findings are made and Order issued under the authority vested in the Administrator of the U.S. Environmental Protection Agency (EPA) by Section 1414(g) of the Safe Drinking Water Act (the Act), 42 U.S.C. § 300g-3(g) and its implementing regulations, as properly delegated to the Supervisors of the Technical and Legal Enforcement Programs of the Office of Enforcement, Compliance and Environmental Justice, EPA Region VIII.

FINDINGS

1. Central Wyoming College (Respondent) is a State Agency and therefore a "person" within the meaning of 40 C.F.R. § 141.2.
2. Respondent owns and/or operates a system, the Central Wyoming College Field Station Water System (the "System"), located in Fremont County, Wyoming for the provision to the public of piped water for human consumption.



3. The Central Wyoming College Field Station Water System has at least 15 service connections or regularly serves an average of at least 25 individuals daily at least 60 days out of the year and is therefore a "public water system" within the meaning of Section 1401(4) of the Act, 42 U.S.C. § 300f(4), and a "non-community water system" within the meaning of 40 C.F.R. § 141.2.
4. Respondent owns and/or operates a public water system and is therefore a "supplier of water" within the meaning of Section 1401(5) of the Act, 42 U.S.C. § 300f(5) and 40 C.F.R. § 141.2. Respondent is therefore subject to the requirements of Part B of the Act, 42 U.S.C. § 300g, and its implementing regulations, 40 C.F.R. Part 141.
5. According to a May 2001 sanitary survey by an agent for EPA, Respondent operates a system that is supplied by one well with disinfection and filtration treatment. The system serves approximately 55 persons per day through 3 service connections and qualifies as a public water system from May through September of each year.

FINDINGS OF VIOLATION

I.

1. 40 C.F.R. § 141.21 requires non-community public water systems with an average daily population of less than



1,001 and having a groundwater source to monitor the water at least once per quarter to determine compliance

with the maximum contaminant level (MCL) for total coliform bacteria as stated in 40 C.F.R. § 141.63.

2. 40 C.F.R. § 141.63(a) (2) imposes and defines the MCL for total coliform bacteria, applicable to public water systems collecting fewer than 40 samples per month, as no more than one sample collected during the month may be positive for total coliform bacteria.
3. Monitoring results submitted by Respondent for the public water system during June, July and August 2002 and July, August and September 1998 exceeded the MCL for total coliform bacteria, in violation of 40 C.F.R. § 141.63(a) (2).

II.

1. 40 C.F.R. § 141.21(b) (5) requires public water systems that collect fewer than 5 routine samples per month and have one or more total coliform positive samples to collect at least 5 routine samples during the next month the system provides water to the public.
2. Respondent failed to collect at least 5 routine samples in August 2002 after a total coliform positive sample



in the preceding month, in violation of 40 C.F.R.
§ 141.21(b) (5) .

III.

1. 40 C.F.R. § 141.201 requires owners and/or operators of public water systems to notify the public of any National Primary Drinking Water Regulation ("NPDWR") violations, including violations of monitoring requirements, and testing procedures found in 40 C.F.R. Part 141.
2. Respondent has not provided public notice of the noncompliance detailed in the preceding Sections I and II, with the exception of the 1998 violations, in violation of 40 C.F.R. § 141.201.

IV.

1. 40 C.F.R. § 141.21(g) (1) requires a public water system that has exceeded the MCL for total coliform in 40 C.F.R. § 141.63 to report the violation to EPA no later than the end of the next business day after it learns of the violation.
2. Respondent failed to report to EPA the 2002 total coliform MCL violations detailed in Section I, in violation of 40 C.F.R. § 141.21(g) (1) .

V.



1. 40 C.F.R. § 141.21(g) (2) requires public water systems that have failed to comply with a coliform monitoring requirement under 40 C.F.R. § 141.21 to report the violation to EPA within ten days after the system discovers the violation.
2. Respondent failed to report to EPA the noncompliance detailed in Section II, in violation of 40 C.F.R. § 141.21(g) (2) .

ORDER

Based on the foregoing Findings, and pursuant to Section 1414(g) of the Act, IT IS ORDERED:

1. Within 60 days of the date of this Order, Respondent shall submit to EPA a complete evaluation of the public water system to determine changes necessary to bring Respondent's system into consistent compliance with the bacteriological MCL appearing at 40 C.F.R. § 141.63. The evaluation shall include current disinfection practices including disinfection equipment, chemical addition, and residual disinfectant monitoring practices; recommendations on disinfection practices and system improvements, such as scheduled maintenance and sanitary improvements; and a schedule for implementing and completing the improvements. The schedule shall include specific milestone dates, a



final compliance date of no later than April 30, 2003 and shall be submitted to EPA for approval. The plans must be approved by EPA before improvements can commence. Respondent shall comply with the MCLs as stated in 40 C.F.R. § 141.63.

2. The schedule for implementing and completing improvements will be incorporated into this Order upon written approval by EPA.
3. Upon the effective date of this Order, Respondent shall monitor residual disinfectant concentration of the water entering the distribution system daily and maintain a residual of not less than 0.2 mg/L. Respondent shall also monitor residual disinfectant concentration at the same point in the distribution system and at the same time as total coliforms are sampled and maintain a detectable level of residual disinfectant. Respondent shall report the results to EPA within 10 days after the end of each quarter.
4. Upon the date of this Order, Respondent shall monitor the water for turbidity once each day the system serves water to the public. Respondent shall report the results to EPA within 10 days after the end of each quarter.



5. Upon the effective date of this Order, Respondent shall comply with all sampling requirements specified in 40 C.F.R. § 141.21(b)(5). If Respondent's water system has one or more total coliform positive samples in a month, Respondent shall collect at least 5 routine samples during the next month the system provides water to the public. Respondent shall report analytical results to EPA within the first 10 days following the end of the monitoring period, as required by 40 C.F.R. § 141.31(a).
6. No later than 30 days of the effective date of this Order, Respondent shall provide notice to the public of the 2002 bacteriological MCL and failure to collect sufficient routine violations, as specified under the Findings of Violation in this Order, to return to compliance with 40 C.F.R. §§ 141.201, 141.203, and 141.205. This notice shall be given by (1) posting the notice in conspicuous locations throughout the distribution system frequented by persons served by the System OR (2) by mail or direct delivery to each customer and service connection; AND (3) any other method reasonably calculated to reach other persons served by the System if they would not normally be reached by the notice required above, such as publication in a local newspaper or newsletter



distributed to customers; use of E-mail to notify employees or students; or delivery of multiple copies in central locations. If the public notice is posted, the notice must remain in place for as long as the violation or situation persists, but for no less than seven days. The public water system must repeat the notice every three months as long as the violation or situation persists. Upon the effective date of this Order, Respondent shall comply with the public notification requirements at 40 C.F.R. § 141.201 et seq. following any future NPDWR violation.

Respondent shall submit a copy of the public notice to EPA within 10 days of completion of the public notice, as required by 40 C.F.R. § 141.31(d).

7. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(1) by reporting any total coliform MCL violation under 40 C.F.R. § 141.63 to EPA no later than the end of the next business day after Respondent learns of the violation.
8. Upon the effective date of this Order, Respondent shall comply with 40 C.F.R. § 141.21(g)(2) by reporting any failure to comply with coliform monitoring requirements under 40 C.F.R. § 141.21 to EPA within ten days after the system discovers the violation.



9. Reporting requirements specified in this Order shall be provided by certified mail to:

Kathelene Brainich
U. S. EPA Region VIII (8ENF-T)
999 18th Street, Suite 300
Denver, Colorado 80202-2466

GENERAL PROVISIONS

1. This Order does not constitute a waiver, suspension, or modification of the requirements of 40 C.F.R. § 141.1 et seq., or the Safe Drinking Water Act, which remain in full force and effect. Issuance of this Order is not an election by EPA to forgo any civil or criminal action otherwise authorized under the Act.
2. Violation of any term of this Order instituted under Section 1414(g) (3) (A), 42 U.S.C. § 300g-3(g) (3) (A), may subject the Respondent to an administrative civil penalty of up to \$25,000 per day of violation under Section 1414(g) (3) (B) of the Act, 42 U.S.C. § 300g-3(g) (3) (B), or a civil penalty of not more than \$27,500 per day of violation assessed by an appropriate U.S. District Court under Section 1414(g) (3) (C) of the Act, 42 U.S.C. § 300g-3(g) (3) (C).
3. Violation of any requirement of the SDWA or its implementing regulations instituted under Section 1414(b), 42 U.S.C. § 300g-3(b), may subject Respondent to a civil penalty of not more than \$27,500 per day of



violation assessed by an appropriate U.S. District Court under Section 1414(b) of the Act, 42 U.S.C. § 300g-3(b).

4. The effective date of this Order shall be the date of issuance of this Order.

Issued this 6TH day of February, 2003.

DAVID JANIK for/

Michael T. Risner, Director
David J. Janik, Supervisory Attorney
Legal Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

**THIS DOCUMENT WAS FILED IN THE REGIONAL HEARING CLERK'S OFFICE ON
FEBRUARY 6, 2003.**

**IF YOU WOULD LIKE COPIES OF THE ATTACHMENT PLEASE CONTACT THE
REGIONAL HEARING CLERK.**

